

Exhibit D

ADRMOP, E-Filing, MEDIATION, REFSET

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:07-cv-02659-JCS**

Ortega et al v. City of Oakland et al

Assigned to: Magistrate Judge Joseph C. Spero

Referred to: Magistrate Judge James Larson (Settlement)

Cause: 42:1983 Civil Rights Act

Date Filed: 05/18/2007

Jury Demand: Plaintiff

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Plaintiff

Miguel Ortega

represented by **Catherine Ruth Douat , CA**

Email:

paralegal@theaccidentallawyer.com

TERMINATED: 06/20/2008

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Steven Richard Jacobsen

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LEAD ATTORNEY

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ATTORNEY TO BE NOTICED

Plaintiff

Benjamin Ortega

*A Minor, By And Through His
Guardian Ad Litem, ANA ROSA
ORTEGA*

represented by **Catherine Ruth Douat**

(See above for address)

TERMINATED: 06/20/2008

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Steven Richard Jacobsen

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brenda Dalila Posada
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

City of Oakland

represented by **Charles Edward Vose**
Oakland City Attorney's Office
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Oakland, CA 94612
510-238-2961
Fax: 510-238-6500
Email: cevose@oaklandcityattorney.org

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Oakland Police Department

represented by **Charles Edward Vose**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Wayne Tucker

represented by **Charles Edward Vose**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Ramon J. Alcantar

represented by **John Jeffrey Verber**
Burnham Brown
1901 Harrison Street
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Oakland, CA 94612
510 444 6800
Fax: 510 835 6666
Email: jverber@burnhambrown.com
ATTORNEY TO BE NOTICED

Defendant

B. Ortiz

represented by **Charles Edward Vose**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/18/2007	<u>1</u>	COMPLAINT for Damages Violation of Civil Rights; Demand for Jury Trial against Wayne Tucker, Ramon J. Alcantar, City of Oakland, Oakland Police Department (Filing fee \$ 350.00,receipt number 44611000759). Filed by Miguel Ortega, Benjamin Ortega. (gba, COURT STAFF) (Filed on 5/18/2007) Additional attachment(s) added on 5/24/2007 (gba, COURT STAFF). (Entered: 05/21/2007)
05/18/2007	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 8/17/2007. Case Management Conference set for 8/24/2007 01:30 PM. (Attachments: # <u>1</u> CMC Standing Order# <u>2</u> Standing Order# <u>3</u> New Standing Order)(gba, COURT STAFF) (Filed on 5/18/2007) (Entered: 05/21/2007)
05/18/2007		Summons Issued as to Wayne Tucker, Ramon J. Alcantar, City of Oakland, Oakland Police Department. (gba, COURT STAFF) (Filed on 5/18/2007) (Entered: 05/21/2007)
05/18/2007		CASE DESIGNATED for Electronic Filing. (gba, COURT STAFF) (Filed on 5/18/2007) (Entered: 05/21/2007)
05/23/2007	<u>3</u>	CLERK'S NOTICE TO PLAINTIFFS Re: Consent to Proceed before a U.S. Magistrate Judge. Form due by June 6, 2007. (klh, COURT STAFF) (Filed on 5/23/2007) (Entered: 05/23/2007)
06/04/2007	<u>4</u>	CONSENT to Proceed Before a US Magistrate Judge by Miguel Ortega, Benjamin Ortega.. (Douat, Catherine) (Filed on 6/4/2007) (Entered: 06/04/2007)
06/27/2007	<u>5</u>	MOTION to Dismiss <i>DEFENDANT CITY OF OAKLAND AND OAKLAND POLICE DEPARTMENT'S NOTICE OF MOTION AND MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM PURSUANT TO FRCP 12(b)(6)</i> filed by City of Oakland. Motion Hearing set for 8/10/1997 09:30 AM in Courtroom A, 15th Floor, San Francisco. (Vose, Charles) (Filed on 6/27/2007) (Entered: 06/27/2007)
06/29/2007	<u>6</u>	CONSENT to Proceed Before a US Magistrate Judge by City of Oakland.. (Vose, Charles) (Filed on 6/29/2007) (Entered: 06/29/2007)
06/29/2007	<u>7</u>	Proposed Order <i>RE MOTION TO DISMISS</i> by City of Oakland. (Vose, Charles) (Filed on 6/29/2007) (Entered: 06/29/2007)
07/05/2007	<u>8</u>	STIPULATION to continue hearing date for Defendants City of Oakland and Oakland Police Department's Motion to Dismiss by City of Oakland, Oakland Police Department. (Vose, Charles) (Filed on 7/5/2007) (Entered: 07/05/2007)
07/13/2007	<u>9</u>	CERTIFICATE OF SERVICE by Miguel Ortega, Benjamin Ortega on defendant City of Oakland (Douat, Catherine) (Filed on 7/13/2007) (Entered: 07/13/2007)
07/13/2007	<u>10</u>	CERTIFICATE OF SERVICE by Miguel Ortega, Benjamin Ortega on defendant Oakland Police Department (Douat, Catherine) (Filed on 7/13/2007)

		(Entered: 07/13/2007)
07/13/2007	<u>11</u>	CERTIFICATE OF SERVICE by Miguel Ortega, Benjamin Ortega <i>on defendant Wayne Tucker</i> (Douat, Catherine) (Filed on 7/13/2007) (Entered: 07/13/2007)
07/13/2007	<u>12</u>	CERTIFICATE OF SERVICE by Miguel Ortega, Benjamin Ortega <i>on defendant Ramon Alcantar</i> (Douat, Catherine) (Filed on 7/13/2007) (Entered: 07/13/2007)
07/18/2007	<u>13</u>	STIPULATION AND ORDER TO CONTINUE CMC DATE by City of Oakland. (Vose, Charles) (Filed on 7/18/2007) (Entered: 07/18/2007)
07/23/2007	<u>14</u>	STIPULATION AND ORDER Re <u>13</u> Stipulation filed by City of Oakland. Initial Case Management Conference, currently set for 8/24/7 at 1:30 PM, has been continued to 9/28/2007 at 09:30 AM. The joint case management conference statement shall be due by 9/21/7. Signed by Judge Joseph C. Spero on 07/23/7. (klh, COURT STAFF) (Filed on 7/23/2007) (Entered: 07/23/2007)
07/23/2007	<u>15</u>	STIPULATION AND ORDER re <u>8</u> Stipulation filed by City of Oakland, Oakland Police Department to continue the hearing on Dfts City of Oakland and Oakland Police Department's Motion to Dismiss from 8/10/7 at 1:30 PM to 9/28/7 at 9:30 AM. Signed by Judge Joseph C. Spero on 7/23/7. (klh, COURT STAFF) (Filed on 7/23/2007) (Entered: 07/23/2007)
07/23/2007		Set/Reset Deadlines as to <u>5</u> MOTION to Dismiss DEFENDANT CITY OF OAKLAND AND OAKLAND POLICE DEPARTMENT'S NOTICE OF MOTION AND MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM PURSUANT TO FRCP 12(b)(6) MOTION to Dismiss DEFENDANT CITY OF OAKLAND AND OAKLAND POLICE DEPARTMENT'S NOTICE OF MOTION AND MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM PURSUANT TO FRCP 12(b)(6). Motion Hearing reset for 9/28/2007 at 09:30 AM in Courtroom A, 15th Floor, San Francisco. (klh, COURT STAFF) (Filed on 7/23/2007) (Entered: 07/23/2007)
07/24/2007	<u>16</u>	STIPULATION & ORDER TO CONTINUE DATE FROM FILING RULE 26 REPORT & COMPLETING INITIAL DISCLOSURES by City of Oakland. (Vose, Charles) (Filed on 7/24/2007) (Entered: 07/24/2007)
07/26/2007	<u>17</u>	STIPULATION AND ORDER TO CONTINUE DATE FOR FILING RULE 26 REPORT AND COMPLETING INITIAL DISCLOSURES is continued from 8/17/7 to 9/21/7. Signed by Judge Joseph C. Spero on 07/25/07. (klh, COURT STAFF) (Filed on 7/26/2007) (Entered: 07/26/2007)
08/08/2007	<u>18</u>	CLERK'S NOTICE that the Initial Case Management Conference and hearing on Dft City of Oakland and Oakland Police Dept's Motion to Dismiss For Failure to State A Claim, previously set for 9/28/7 at 9:30 AM has been reset for 11/16/2007 at 09:30 AM in Courtroom A, 15th Floor, San Francisco. The joint cmc statement shall be due by 11/9/7. Regardless of whether the Court reschedules the hearing date, the opposition memorandum shall be due by 9/7/7 and the reply brief shall be due by 9/14/7. (klh, COURT STAFF) (Filed on 8/8/2007) (Entered: 08/08/2007)

08/08/2007		Set/Reset Deadlines as to <u>5</u> MOTION to Dismiss <i>DEFENDANT CITY OF OAKLAND AND OAKLAND POLICE DEPARTMENT'S NOTICE OF MOTION AND MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM PURSUANT TO FRCP 12(b)(6)</i> MOTION to Dismiss <i>DEFENDANT CITY OF OAKLAND AND OAKLAND POLICE DEPARTMENT'S NOTICE OF MOTION AND MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM PURSUANT TO FRCP 12(b)(6)</i> . Opposition due by 9/7/2007. Replies due by 9/14/2007. Motion Hearing set for 11/16/2007 at 09:30 AM in Courtroom A, 15th Floor, San Francisco. (klh, COURT STAFF) (Filed on 8/8/2007) (Entered: 08/08/2007)
08/08/2007		Set/Reset Hearings: Initial Case Management Conference reset for 11/16/2007 at 09:30 AM. Joint cmc statement due by 11/9/7. (klh, COURT STAFF) (Filed on 8/8/2007) (Entered: 08/08/2007)
09/07/2007	<u>19</u>	FIRST AMENDED COMPLAINT for <i>Damages for Violation of Civil Rights</i> against Wayne Tucker, Ramon J. Alcantar, City of Oakland, Oakland Police Department. Filed by Miguel Ortega, Benjamin Ortega. (Douat, Catherine) (Filed on 9/7/2007) Modified on 9/18/2007 (gba, COURT STAFF). (Entered: 09/07/2007)
09/10/2007	<u>20</u>	CLERK'S NOTICE THAT THE Initial Case Management Conference, previously set for 11/16/2007 at 9:30 AM, has been RESET FOR THE SAME DAY AT 01:30 PM . Joint Case Management Statement due by 11/9/2007. (klh, COURT STAFF) (Filed on 9/10/2007) (Entered: 09/10/2007)
09/11/2007	<u>21</u>	STIPULATION and Proposed Order selecting Mediation by City of Oakland (Vose, Charles) (Filed on 9/11/2007) (Entered: 09/11/2007)
09/11/2007	<u>22</u>	CONSENT to Proceed Before a US Magistrate Judge by Wayne Tucker <i>AND OFF. ALCANTAR..</i> (Vose, Charles) (Filed on 9/11/2007) (Entered: 09/11/2007)
09/11/2007	<u>23</u>	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options (Vose, Charles) (Filed on 9/11/2007) (Entered: 09/11/2007)
09/12/2007	<u>24</u>	STIPULATION AND ORDER SELECTING ADR PROCESS. - Mediation to occur w/in 90 days from the date of this order. Signed by Judge Joseph C. Spero on 09/12/07. (klh, COURT STAFF) (Filed on 9/12/2007) (Entered: 09/12/2007)
09/14/2007	<u>25</u>	NOTICE by City of Oakland <i>OF WITHDRAWAL OF MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM PURSUANT TO FRCP 12(b)(6)</i> (Vose, Charles) (Filed on 9/14/2007) (Entered: 09/14/2007)
09/19/2007	<u>26</u>	<i>DEFENDANTS' ANSWER</i> to Amended Complaint by City of Oakland. (Vose, Charles) (Filed on 9/19/2007) (Entered: 09/19/2007)
10/11/2007	<u>27</u>	ADR Clerk's Notice Appointing Stephen H. Sulmeyer, J.D., Ph.D. as Mediator. (cmf, COURT STAFF) (Filed on 10/11/2007) (Entered: 10/11/2007)
10/29/2007		Pre MED phone conference scheduled on 11/6/2007 at 5:15 p.m. Pacific. (cmf, COURT STAFF) (Filed on 10/29/2007) (Entered: 10/29/2007)
11/09/2007	<u>28</u>	MOTION to Continue <i>Stipulation and Order to Continue Deadline to Complete</i>

		<i>Mediation</i> filed by City of Oakland. (Vose, Charles) (Filed on 11/9/2007) (Entered: 11/09/2007)
11/09/2007	<u>29</u>	JOINT CASE MANAGEMENT STATEMENT filed by City of Oakland. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Vose, Charles) (Filed on 11/9/2007) (Entered: 11/09/2007)
11/09/2007	<u>30</u>	ORDER, by Judge Joseph C. Spero, signed 11/9/7,granting <u>28</u> Motion/Stipulatioin to Continue Deadline to Complete Mediation. Deadline to complete mediation extended to 2/1/8. (klh, COURT STAFF) (Filed on 11/9/2007) (Entered: 11/09/2007)
11/19/2007	<u>31</u>	Minute Entry: Initial Case Management Conference held on 11/16/2007 before Joseph C. Spero. By 11/28/7, Plaintiff shall file and serve his first amended complaint. Further case management conference set for 2/8/8 at 1:30 PM. Court to prepare Order. (Tape #Not Recorded.) (klh, COURT STAFF) (Date Filed: 11/19/2007) (Entered: 11/19/2007)
11/20/2007	<u>32</u>	CASE MANAGEMENT AND PRETRIAL ORDER: Jt updated Case Management Statement due by 2/1/2008. Further Case Management Conference set for 2/8/2008 at 01:30 PM. Jury Trial set for 12/1/2008 at 08:30 AM in Courtroom A, 15th Floor, San Francisco. Motion Hearing set for 8/22/2008 at 01:30 PM in Courtroom A, 15th Floor, San Francisco. Pretrial Conference set for 11/21/2008 at 01:30 PM in Courtroom A, 15th Floor, San Francisco. Signed by Judge Joseph C. Spero on 11/20/07. (klh, COURT STAFF) (Filed on 11/20/2007) (Entered: 11/20/2007)
11/27/2007	<u>33</u>	AMENDED COMPLAINT (<i>Second</i>) against all defendants. Filed by Miguel Ortega, Benjamin Ortega. (Douat, Catherine) (Filed on 11/27/2007) (Entered: 11/27/2007)
12/20/2007	<u>34</u>	AMENDED DOCUMENT by Miguel Ortega, Benjamin Ortega. Amendment to Summons Issued <i>Amended Summons</i> . (Douat, Catherine) (Filed on 12/20/2007) (Entered: 12/20/2007)
12/27/2007	<u>35</u>	NOTICE of Substitution of Counsel by John Jeffrey Verber (Verber, John) (Filed on 12/27/2007) (Entered: 12/27/2007)
12/27/2007	<u>36</u>	STIPULATION <i>to Continue Mediation Date</i> by Miguel Ortega, Benjamin Ortega. (Douat, Catherine) (Filed on 12/27/2007) (Entered: 12/27/2007)
01/04/2008	<u>37</u>	STIPULATION <i>STIPULATED PROTECTIVE ORDER</i> by City of Oakland. (Vose, Charles) (Filed on 1/4/2008) (Entered: 01/04/2008)
01/07/2008	<u>38</u>	ORDER GRANTING <u>35</u> Notice of Substitution of Counsel filed by Ramon J. Alcantar, Wayne Tucker, City of Oakland, Oakland Police Department. Dft Ramon J. Alcantar substitutes John J. Verber as counsel of record in place and stead of Charles E. Vose. Signed by Judge Joseph C. Spero on 1/7/8. (klh, COURT STAFF) (Filed on 1/7/2008) (Entered: 01/07/2008)
01/07/2008	<u>39</u>	STIPULATED PROTECTIVE ORDER. Signed by Judge Joseph C. Spero on 1/7/8. (klh, COURT STAFF) (Filed on 1/7/2008) (Entered: 01/07/2008)
01/07/2008	<u>40</u>	STIPULATION AND ORDER TO CONTINUE DEADLINE TO COMPLETE

		MEDIATION - from 2/1/8 to 2/28/8. Signed by Judge Joseph C. Spero on 1/7/8. (klh, COURT STAFF) (Filed on 1/7/2008) (Entered: 01/07/2008)
01/08/2008	<u>41</u>	CLERK'S NOTICE that the Further Case Management Conference previously set for 2/8/8 at 1:30 PM has been reset for 2/29/2008 at 01:30 PM. The joint updated Case Management Statement shall be due by 2/22/2008. (klh, COURT STAFF) (Filed on 1/8/2008) (Entered: 01/08/2008)
01/22/2008		Set/Reset Hearings: Mediation Hearing set for 2/26/2008 at 01:00 PM. Tentative second session set for 3/4/2008 at 09:00 AM. Please meet at Burnham Brown located at 1901 Harrison Street, Oakland, CA. Written statements due by 2/8/2008. (cmf, COURT STAFF) (Filed on 1/22/2008) (Entered: 01/22/2008)
01/30/2008	<u>42</u>	Letter from CHARLES E. VOSE <i>REQUESTING TO EXCUSE CHIEF WAYNE TUCKER FROM MEDIATION.</i> (Attachments: # <u>1</u> Proposed Order ORDER EXCUSING CHIEF WAYNE TUCKER FROM MEDIATION)(Vose, Charles) (Filed on 1/30/2008) (Entered: 01/30/2008)
02/01/2008	<u>43</u>	ORDER EXCUSING CHIEF WAYNE TUCKER FROM MEDIATION. Signed by Judge Wayne D. Brazil on 1/31/2008. (wdblcc1, COURT STAFF) (Filed on 2/1/2008) (Entered: 02/01/2008)
02/22/2008	<u>44</u>	STIPULATION AND ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE DATE by City of Oakland. (Vose, Charles) (Filed on 2/22/2008) (Entered: 02/22/2008)
02/25/2008	<u>45</u>	STIPULATION AND ORDER GRANTING re <u>44</u> Stipulation filed by City of Oakland To Continue Case Management Conference, currently set for 2/29/8 at 1:30 PM to 3/14/8 at 1:30 PM. Joint updated cmc statement due by 3/7/8. Signed by Judge Joseph C. Spero on 2/25/08. (klh, COURT STAFF) (Filed on 2/25/2008) (Entered: 02/25/2008)
02/25/2008		Set/Reset Hearings: Updated joint cmc statement due 3/7/8. Further Case Management Conference set for 3/14/2008 at 01:30 PM. (klh, COURT STAFF) (Filed on 2/25/2008) (Entered: 02/25/2008)
03/05/2008	<u>46</u>	CERTIFICATION OF MEDIATION Session dated 2/27/2008 by Mediator, Stephen H. Sulmeyer, J.D.; Mediation session held 2/26/2008; Case did not settle. (cmf, COURT STAFF) (Filed on 3/5/2008) (Entered: 03/05/2008)
03/07/2008	<u>47</u>	CASE MANAGEMENT STATEMENT UPDATED JOINT CASE MANAGEMENT STATEMENT filed by City of Oakland. (Vose, Charles) (Filed on 3/7/2008) (Entered: 03/07/2008)
03/17/2008	<u>48</u>	CONSENT to Proceed Before a US Magistrate Judge by B. Ortiz. (klh, COURT STAFF) (Filed on 3/17/2008) (Entered: 03/17/2008)
03/17/2008	<u>49</u>	Minute Entry: Further Case Management Conference held on 3/14/2008 before Joseph C. Spero. A further case management conference is set for 4/4/8 at 1:30 PM. Court to prepare Order. (Tape #Not Recorded.) (klh, COURT STAFF) (Date Filed: 3/17/2008) (Entered: 03/17/2008)
03/18/2008	<u>50</u>	FURTHER CASE MANAGEMENT AND PRETRIAL ORDER: Joint Updated

		Case Management Statement due by 4/2/2004. Further Case Management Conference set for 4/4/2008 at 01:30 PM. Signed by Judge Joseph C. Spero on 3/18/08. (klhS, COURT STAFF) (Filed on 3/18/2008) (Entered: 03/18/2008)
03/18/2008	<u>51</u>	CLERK'S NOTICE Further Case Management Conference set for 4/4/2008 10:30 AM. (fj, COURT STAFF) (Filed on 3/18/2008) (Entered: 03/18/2008)
03/21/2008	<u>52</u>	AMENDED DOCUMENT by Miguel Ortega, Benjamin Ortega. <i>Supplemental Rule 26 Disclosure.</i> (Douat, Catherine) (Filed on 3/21/2008) (Entered: 03/21/2008)
04/02/2008	<u>53</u>	CASE MANAGEMENT STATEMENT <i>UPDATED JOINT</i> filed by City of Oakland. (Vose, Charles) (Filed on 4/2/2008) (Entered: 04/02/2008)
04/07/2008	<u>54</u>	Minute Entry: Further Case Management Conference held on 4/4/2008 before Joseph C. Spero. This case shall be referred to Mag. Judge Larson for a settlement conference. (Tape #Not Recorded.) (klh, COURT STAFF) (Date Filed: 4/7/2008) (Entered: 04/07/2008)
04/07/2008		CASE REFERRED to Magistrate Judge James Larson for Settlement (klh, COURT STAFF) (Filed on 4/7/2008) (Entered: 04/07/2008)
04/15/2008	<u>55</u>	FURTHER CASE MANAGEMENT AND PRETRIAL ORDER: Further Case Management Conference set for 8/22/2008 at 01:30 PM. This case shall be referred to Chief Magistrate Judge James Larson for a settlement conference. Signed by Judge Joseph C. Spero on 4/15/08. (klh, COURT STAFF) (Filed on 4/15/2008) (Entered: 04/15/2008)
06/11/2008	<u>56</u>	NOTICE OF SETTLEMENT CONFERENCE AND SETTLEMENT CONFERENCE ORDER. Signed by Judge James Larson on 6/11/08. (jlsec, COURT STAFF) (Filed on 6/11/2008) (Entered: 06/11/2008)
06/16/2008		Set Deadlines/Hearings: Settlement Conference set for 8/6/2008 02:00 PM. before Magistrate Judge Larson. (gba, COURT STAFF) (Filed on 6/16/2008) (Entered: 06/16/2008)
06/20/2008	<u>57</u>	NOTICE of Change In Counsel by Brenda Dalila Posada (gba, COURT STAFF) (Filed on 6/20/2008) (Entered: 06/20/2008)
06/26/2008	<u>58</u>	STIPULATION AND ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE AND MOTIONS HEARING DATE by City of Oakland. (Vose, Charles) (Filed on 6/26/2008) (Entered: 06/26/2008)

PACER Service Center			
Transaction Receipt			
06/27/2008 11:25:36			
PACER Login:	oc0131	Client Code:	
Description:	Docket Report	Search Criteria:	3:07-cv-02659-JCS
Billable Pages:	6	Cost:	0.48